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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,781	05/02/2001	Steven J. Hulai	92509-3	4596
22463	7590	06/15/2004	EXAMINER	
SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2177	//

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,781

Applicant(s)

HULAI ET AL.

Examiner

Susan F. Rayyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Specification refers to an Appendix "A" on p. 9, line 6; and p.11, line 16 however there is no attached Appendix. Applicant refers to the Appendix "A" in the brief description of the drawings (FIGS. 16A- 16JJ). The Specification should refer to the figure numbers. Replace all references in the Specification with the corresponding figure reference number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,3-5,7-9,13 are rejected under 35 U.S.C. 102(e) as being anticipated by Berry (US 6,559,773).**

As per independent claims 1,13 Berry anticipates:

a processor at col.3, lines 25-31 and fig.2;

computer readable memory in communication with said processor, storing software

adapting said device at col. 5, lines 18-21;

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receiving at said wireless device a representation of a text file defining at col. 2, lines 14-19: a format of a user interface for the application at said wireless device at col.4, lines 6-9;

a format of network messages for exchange of data generated by said application at col.3, lines 54-56;

a format for storing data related to said application at said wireless device at col.4, lines 10-13;

receiving data from said application in accordance with said format of network messages, and presenting said data at said wireless device using said user interface at col.4, line 62, bridging to , col. 5, line13.

Berry teaches a processor, computer readable memory in communication with said processor, storing software adapting said device, receiving at said wireless device a representation of a text file defining,: a format of a user interface for the application at said wireless device, a format of network messages for exchange of data generated by said application, a format for storing data related to said application at said wireless device, receiving data from said application in accordance with said format of network messages, and presenting said data at said wireless device using said user interface at col. 2, lines 14-19, col.3, lines 25-31,54-56, col.4, lines 6-13 ,col.4, line 62, bridging to , col. 5, line13, col. 5, lines 18-21 and fig.2.

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As per claim 3 same as claim arguments above and Berry anticipates:

wherein said text file is parsed, and a representation of said text file is stored at said wireless device at col. 4, lines 10-13 and col.5, lines 14-21.

As per claim 4 same as claim arguments above and Berry anticipates:

further comprising storing data generated by said application at said wireless device using said format for storing data at col.4, lines 10-13.

As per claim 5 same as claim arguments above and Berry anticipates:

wherein said text file defines screens and events arising in response to interaction with said screens, and actions for processing said events at col.3, lines 6-14..

As per claim 7 Berry anticipates:

a processor at col.3, lines 25-31;

computer readable memory in communication with said processor, storing virtual machine software controlling operation of said wireless mobile device,

said virtual machine software at col. 5, lines 18-21;

a parser for receiving a text file at col.5, lines 14-21;

a screen generation engine, for presenting at least one screen at said wireless mobile device in accordance with said text file at col.3, lines 6-14;

an event handler for processing events arising in response to interaction with said at least one screen in accordance with said text file at col.5, lines 56-63;

object classes corresponding to actions to be taken by said in response to interaction with said at least one screen at col.5, lines 64-67.

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Berry teaches a processor, computer readable memory in communication with said processor, storing virtual machine software controlling operation of said wireless mobile device, said virtual machine software, a parser for receiving a text file, a screen generation engine, for presenting at least one screen at said wireless mobile device in accordance with said text file, an event handler for processing events arising in response to interaction with said at least one screen in accordance with said text file, object classes corresponding to actions to be taken by said in response to interaction with said at least one screen at col.3, lines 6-14, 25-31 and col. 5, lines 14-21, 56-67.

As per claim 8 same as claim arguments above and Berry anticipates:

wherein said memory further stores a representation of said text file at col.4, lines 10-13.

As per claim 9 same as claim arguments above and Berry anticipates:

wherein said representation of said text file is created by said parser at col.5, lines 14-21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2,6,10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry (US 6,559,773) and Sluiman et al (US 6,590,589).**

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As per claim 2 same as claim arguments above and Berry teaches wherein said text file is received at said wireless device at col.4, lines 6-9. Berry does not explicitly teach wherein said text file is an XML file. Sluiman does teach this limitation at col.5, lines 14-15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to implement an application (Sluiman, col. 5, lines 15-16).

As per claim 6 same as claim arguments above and Berry does not explicitly teach wherein said format of network messages comprises XML definitions for said network messages, and wherein data for said application are dispatched from said wireless device using said XML definitions however Sluiman does teach this limitation at col.5, lines 14-15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to implement an application (Sluiman, col. 5, lines 15-16).

As per claim 10 same as claim arguments above and Berry does not explicitly teach wherein said parser comprises an XML parser however Sluiman does teach this limitation at col.5, lines 14-15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to implement an application (Sluiman, col. 5, lines 15-16).

As per claim 11 same as claim arguments above and Berry teaches: wherein said object classes corresponding to action to be taken comprise object classes that present screen elements at said wireless mobile device at col.3, lines 6-14.

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As per claim 12 same as claim arguments above and Berry teaches:

further comprising object classes enabling exchange of data between said wireless mobile device and a computing device over a network, wherein said data is formatted in accordance with definitions within said text file at col.3, lines 14-18.

Response to Arguments

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (703) 305-0311. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquiries and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan



June 10, 2004



GRETA ROBINSON
PRIMARY EXAMINER